

**Introduced by Senator Dunn**

January 13, 2003

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An act to amend Section 18610.5 of, and to add Sections 18407 and 18408 to, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, Dunn. Mobilehomes.

(1) The existing Mobilehome Parks Act generally provides for enforcement of the act by a local enforcement agency.

This bill would ~~require an inspector or representative of~~ *make a legislative finding and declaration that it is necessary for* the enforcement agency to notify a complainant regarding a violation of the act as to when the complaint will be investigated, and to advise the complainant of the findings of the inspector.

The bill would require the enforcement agency, in the event of a dispute between a mobilehome owner and a mobilehome park operator concerning compliance of the homeowner's manufactured home or mobilehome with specified health and safety standards, upon the *written* request of the homeowner or the park operator, to inspect the mobilehome or manufactured home for code compliance. The bill would authorize the enforcement agency to ~~impose~~ *adopt* a fee for the inspection.

(2) The act prohibits creating, moving, shifting, or altering of park lot lines without written authorization of the local planning agency.

This bill, instead, would require the written authorization of, *the* homeowner and a permit ~~from~~, *issued to the park owner or operator by* the enforcement agency *pursuant to prescribed procedures* prior to

creating, moving, shifting, or altering of park lot lines, as specified. Because a willful violation of the Mobilehome Parks Act is a misdemeanor, a willful violation of this requirement would constitute a crime.

(3) The bill would create a state-mandated local program by imposing new duties on local agencies and by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18407 is added to the Health and Safety  
2 Code, to read:

3 ~~18407. Upon a complaint about a violation of this part to the~~  
4 ~~enforcement agency, an inspector or representative of the~~  
5 ~~enforcement agency shall notify the complainant in advance in~~  
6 ~~writing or by telephone of the date when he or she is scheduled to~~  
7 ~~investigate the complaint in order to enable the complainant to be~~  
8 ~~present to speak to the inspector. Following an inspection of the~~  
9 ~~complaint, an inspector or representative of the enforcement~~  
10 ~~agency shall contact the complainant in writing or by telephone to~~  
11 ~~advise the complainant of the findings of the inspector concerning~~  
12 ~~the complaint.~~

13 18407. *The Legislature finds and declares that, because the*  
14 *health and safety of mobilehome park occupants is a matter of*  
15 *public interest and concern, it is necessary, pursuant to a*  
16 *complaint about a violation of this part to the enforcement agency,*



1 *that the enforcement agency notify the complainant in advance of*  
 2 *the date when the agency's inspector or representative is scheduled*  
 3 *to investigate the complaint, to enable the complainant to be*  
 4 *present to speak to the inspector or representative, and that*  
 5 *following an inspection of the complaint, the agency contact the*  
 6 *complainant to advise him or her of the inspector's or*  
 7 *representative's findings concerning the complaint.*

8 SEC. 2. Section 18408 is added to the Health and Safety Code,  
 9 to read:

10 18408. In the event of a dispute between a mobilehome owner  
 11 and a mobilehome park operator concerning compliance of the  
 12 homeowner's manufactured home or mobilehome with health and  
 13 safety standards pursuant to Section 798.73 of the Civil Code, the  
 14 enforcement agency shall, upon the *written* request of the  
 15 homeowner or the park operator, inspect the mobilehome or  
 16 manufactured home for code compliance. The enforcement  
 17 agency may ~~impose a fee for the inspection pursuant to this~~  
 18 ~~section.~~ *adopt a fee, by regulation, payable by the applicant, for*  
 19 *the inspection authorized by this section.*

20 SEC. 3. Section 18610.5 of the Health and Safety Code is  
 21 amended to read:

22 18610.5. (a) Park lot lines shall not be created, moved,  
 23 shifted, or altered without ~~the written authorization of the~~  
 24 ~~enforcement agency and the occupant or occupants~~ *a permit*  
 25 *issued to the park owner or operator by the enforcement agency*  
 26 *and the written authorization of the homeowner or homeowners,*  
 27 if any, of the lot or lots on which the lot line will be created, moved,  
 28 shifted, or altered.

29 (b) No park lot line shall be created, moved, shifted, or altered,  
 30 if the action will place ~~an occupant of the homeowner of a~~  
 31 ~~mobilehome or manufactured home located on a lot~~ in violation of  
 32 any separation or space requirements under this part or under any  
 33 administrative regulation.

34 ~~(c) No mobilehome park lot line shall be created, moved,~~  
 35 ~~shifted, or altered without a permit issued to the park owner or~~  
 36 ~~operator by the enforcement agency.~~

37 ~~(d) When a mobilehome park lot line is proposed to be created,~~  
 38 ~~moved, shifted, or altered, the enforcement agency may require a~~  
 39 ~~mobilehome park owner or operator to submit to the enforcement~~

1 ~~agency a detailed plot plan of all lots and the dimensions of each~~  
2 ~~lot affected by the creation of, or change in, lot lines.~~

3 *(c) The park owner or operator shall submit a written*  
4 *application for the lot line permit to the enforcement agency. The*  
5 *application shall include a list of the names and addresses of the*  
6 *homeowners of mobilehomes or manufactured homes located on*  
7 *the lot or lots that would be affected by the proposed lot line change*  
8 *and the written authorization of the homeowners. The enforcement*  
9 *agency may require, as part of the application for the permit, that*  
10 *a mobilehome park owner or operator submit to the enforcement*  
11 *agency a detailed plot plan showing the dimensions of each lot*  
12 *affected by the creation of, or change in, the lot lines. If submission*  
13 *of a plot plan is required, the mobilehome park owner or operator*  
14 *shall provide a copy of the plot plan to homeowners of*  
15 *mobilehomes or manufactured homes located on each lot that*  
16 *would be affected by the proposed lot line change and provide the*  
17 *enforcement agency, as part of the application, with proof of*  
18 *delivery by first-class postage prepaid of the copy of the plot plan*  
19 *to the affected homeowners.*

20 SEC. 4. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution for  
22 certain costs that may be incurred by a local agency or school  
23 district because in that regard this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

29 However, notwithstanding Section 17610 of the Government  
30 Code, if the Commission on State Mandates determines that this  
31 act contains other costs mandated by the state, reimbursement to  
32 local agencies and school districts for those costs shall be made  
33 pursuant to Part 7 (commencing with Section 17500) of Division  
34 4 of Title 2 of the Government Code. If the statewide cost of the  
35 claim for reimbursement does not exceed one million dollars  
36 (\$1,000,000), reimbursement shall be made from the State  
37 Mandates Claims Fund.

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